

REMARKS

This Amendment is in response to the Office Action of July 9, 2008 in which claims 1-31 were rejected and 32-61 withdrawn from consideration.

I. Rejection under 35 U.S.C. § 112

The Examiner rejects claim 13 for failing to enable preventing the existence of parallel communication channels. Various options are presented in the specification, though. See page 12, line 29 – page 13, line 14 or page 28, lines 20-29. A skilled person can select freely from any of these options or use any other suitable approach, so requiring a restriction of the claim to one approach seems not to be justified.

The exact wording of the claim is indeed not present in the description, even though in Applicant's understanding the content is reflected quite clearly. Nevertheless the language of the claim has been copied into the description. Withdrawal of the objection to the specification and rejection of claim 13 is requested.

II. Amendments

The **independent claims 1, 28, 30, 31** have been restricted with the features of claim 23 which has been cancelled. The features have been somewhat specified based on page 18, lines 28-30.

Claim 22 has been specified to require that adapting the behavior of an application comprises determining a direction of a data transmission. The original disclosure can be found on page 19, lines 2-5.

The device **claims 27-28** have been reformulated as apparatus claims.

Claims 32-61 have been cancelled.

Dependent method **claims 62 and 63** have been added. The original disclosure can be found in the paragraph bridging pages 18 and 19 of the description, and in the description of Figure 6, page 40, line 9 to page 42, line 7, respectively.

In addition, dependent apparatus **claims 64-85** have been added to depend from claim 28 based on the original dependent method claims.

Further, added dependent apparatus **claims 86 and 87** correspond to added method claims 62 and 63, respectively.

Further added dependent apparatus **claim 88** indicates that the apparatus of claim 28 can be a mobile device. The original disclosure can be found on page 25, lines 7-8.

New **claim 89** is an apparatus claim with means + function terminology, which corresponds otherwise to claim 28.

We assume that due to cancelled claims 32-61 no additional claim fees will be due.

III. Novelty and obviousness objections

Independent claim 1

Amended claim 1 is based on original claim 1 that has been restricted with the features of original claim 23, with some modification. The Examiner considered the subject matter of claim 23 to be rendered obvious in view of US 2003/0162556 A1 (*Libes*) in combination with US 2004/0110508 (*Haartsen*).

Amended claim 1 requires detecting physical manipulations of the first electronic device by means of at least one sensor and adapting the behavior of an application of the first electronic device to measurement results of the sensor.

The Examiner refers to Figure 16 of *Haartsen*, which is a diagram illustrating receiver circuits in electronic devices (par. 0090 – 0099). It is not quite clear to us how these receiver circuits are to anticipate measuring external influences to a device by means of a sensor as required by original claim 23.

External influences that can be measured by a sensor can be for instance tilting, squeezing, shaking or rotating the electronic device, establishing an absolute rotational position of the electronic device or a rotational position relative to another device, moving the electronic device with a certain absolute or relative speed, moving the electronic device with a certain acceleration, etc. (see paragraph bridging pages 18 and 19 of the description).

A skilled person would not understand measuring external influences by means of a sensor to be equivalent to receiving and processing signals as shown in Figure 16 of *Haartsen*.

To emphasize the difference, the feature of original claim 23 has been modified to require a detection of physical manipulations of the device.

There is no hint at such a feature in the cited references. It enables a user to influence the behavior of his/her device in a particular easy manner.

Other independent claims

The same comments apply to the other independent claims due to their corresponding features.

Dependent claims

The dependent claims comprise patentable subject matter already due their reference to new and non-obvious independent claims, as amended. In addition, they comprise various new and non-obvious subject matter on their own. For example, it is pointed out to the Examiner:

Claims 3 and 4: The Examiner rejects claim 3 in view of *Libes* and claim 4 in view of US 6,601,093 B1 (*Peters*). *Libes* mentions in par. 0038-0039 short-range radio frequency transmissions, Bluetooth, 802.11a and 802.11b. Radio frequency identification tags are not mentioned. *Peters* mentions Bluetooth (col. 6, line 44) and Infrared (col. 7, line 4). Radio frequency identification tags are not mentioned. A person of ordinary skill understands the expression “radio frequency identification (RFID) tag” to refer to a specific type of device including a transponder. The use of such a device is not rendered obvious by the cited references, and much less the mapping of an RFID to a stored address.

Claim 22: Determining the direction of a data transfer between devices based on a detected physical manipulation of the devices is not known from any of the cited references.

Claim 63: Adapting specifically the behavior of an application, which makes use of the communication channel that is established upon a detected “hugging

state”, depending on sensor measurements is not known from any of the cited references.

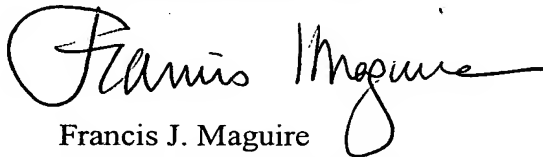
The fact that the Applicants have not commented in detail with regard to the rejections of some claims does not necessarily signify agreement with the conclusions made in this Office Action.

Withdrawal of the Section 112, 102, and 103 objections and rejections is requested.

Applicant does not believe that any additional claim fee is due. If this belief is incorrect, the Commissioner is authorized to deduct the extra claims fee from our Deposit Account No. 23-0442. In case a petition for extension of time has been overlooked, the Commissioner is requested to consider this paper to be a petition for the appropriate extension period and is authorized to deduct the appropriate extension fee from our Deposit Account No. 23-0442.

The objections and rejections of the Office Action of July 9, 2008, having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested and passage of amended claims 1-22, 24-31, and 62-89 to issue, is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, reading "Francis J. Maguire". The signature is fluid and cursive, with a large initial "F" and a long, sweeping underline.

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